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Filing date: **03/31/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053424
Party	Defendant World Nutrition, Inc.
Correspondence Address	WORLD NUTRITION INC 7001 NORTH SCOTTSDALE ROAD, SUITE 2000 SCOTTSDALE, AZ 85253 UNITED STATES Trademark@stinson.com, lwolfgram@stinson.com
Submission	Answer
Filer's Name	Laila S. Wolfgram
Filer's e-mail	Trademark@stinson.com,lwolfgram@stinson.com
Signature	/laila s. wolfgram/
Date	03/31/2011
Attachments	VITALZYM Answer.PDF (3 pages)(23700 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PROTHERA, INC.,	:	
	:	
Petitioner,	:	
	:	
v.	:	In re Registration No. 3,783,555
	:	Cancellation No. 92053424
	:	
WORLD NUTRITION, INC.	:	
	:	
Registrant.	:	
	:	

ANSWER

COMES NOW Registrant WORLD NUTRITION, INC., through its attorneys, and hereby submits its answer to Petitioner PROTHERA, INC.'s Petition to Cancel in the above entitled matter as follows, with the following numbered paragraphs corresponding to the numbers of the paragraphs of the Petition to Cancel:

1. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 1 and therefore DENIES the same.
2. Registrant ADMITS the allegations set forth in paragraph 2.
3. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 3 and therefore DENIES the same.
4. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 4 and therefore DENIES the same.
5. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 5 and therefore DENIES the same.

FIRST AFFIRMATIVE DEFENSE

Registrant has fulfilled the requirements to sustain its registration, and so Petitioner's petition fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Petitioner's petition is barred in whole by the doctrine of executory accord, and so Petitioner's petition fails to state a claim upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

Petitioner's petition is barred in whole or in part by the doctrine of estoppel.

FOURTH AFFIRMATIVE DEFENSE

Petitioner's petition is barred in whole or in part by the doctrine of laches and equitable estoppel.

FIFTH AFFIRMATIVE DEFENSE

Petitioner's petition is barred in whole or in part by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

Petitioner has failed to mitigate any damages.

SEVENTH AFFIRMATIVE DEFENSE

Petitioner's petition is barred by Registrant's use of and rights to Registrant's VITÄLZYM mark.

EIGHTH AFFIRMATIVE DEFENSE

Registrant further pleads any and all other affirmative defenses provided for in the Federal Rules of Civil Procedure, United States Code, or the Code of Federal Regulations that may, through further discovery, be determined to be applicable in this litigation.

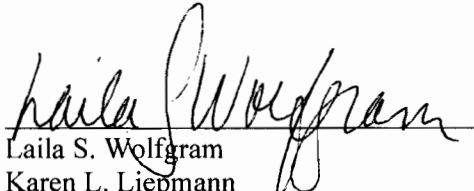
WHEREFORE, Registrant asks the Board to dismiss Petitioner's petition with prejudice at Petitioner's costs and award Registrant attorneys' fees as the prevailing party in this action.

Dated: March 31, 2011.

Respectfully submitted,

STINSON MORRISON HECKER LLP

By:



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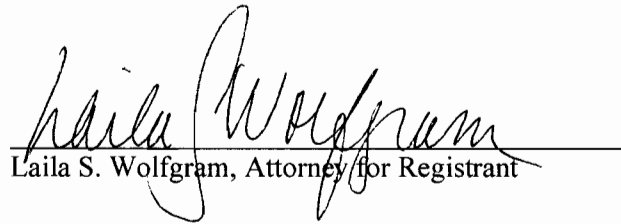
Trademark@stinson.com

Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Answer was served upon Petitioner via U.S. Mail on this 31st day of March, 2011, addressed to:

Brian Geoghegan, Esq.
GeoMark
8201 164th Ave NE, Suite 200
Redmond, WA 98052
Attorney for Petitioner



Laila S. Wolfgram, Attorney for Registrant